

Eddie A. Pantiliat (State Bar No. 015231)
HYMSON GOLDSTEIN & PANTILIAT, PLLC
 16427 N. Scottsdale Road, Suite 300
 Scottsdale, Arizona 85254
 Telephone: 480- 991-9077
minute@legalcounselors.com

Jason R. Mullis (State Bar No. 024289)
jmullis@wshblaw.com
WOOD, SMITH, HENNING & BERMAN LLP
 2525 E. Camelback Road, Suite 450
 Phoenix, Arizona 85016-4210
 Phone: 602-441-1300 ♦ Fax 602-441-1350

*Attorneys for Two Fingers, LLC dba Stone and Vine Urban
 Italian Restaurant, Four Fingers, LLC dba Salt & Lime Modern
 Mexican Grill, Six Fingers, LLC dba Black & Bleu Restaurant,
 and Joseph M. Popo and Gabriella Popo*

**UNITED STATES DISTRICT COURT
 DISTRICT OF ARIZONA**

AMY PATTERSON,

Plaintiff,

v.

TWO FINGERS, LLC, an Arizona
 corporation dba Stone and Vine Urban
 Italian Restaurant; FOUR FINGERS, LLC,
 an Arizona corporation dba Salt & Lime
 Modern Mexican Grill; SIX FINGERS,
 LLC, an Arizona corporation dba Black &
 Bleu Restaurant; JOSEPH M. POPO and
 GABRIELLA POPO,

Defendants.

TWO FINGERS, LLC, an Arizona
 corporation dba Stone and Vine Urban
 Italian Restaurant; FOUR FINGERS, LLC,
 an Arizona corporation dba Salt & Lime
 Modern Mexican Grill; SIX FINGERS,
 LLC, an Arizona corporation dba Black &
 Bleu Restaurant; JOSEPH M. POPO and
 GABRIELLA POPO,

Counterclaimants.

Case No. 2:15-cv-00494-NVW

**DEFENDANTS TWO FINGERS,
 LLC'S, FOUR FINGERS, LLC'S, SIX
 FINGERS, LLC'S, AND JOSEPH M.
 POPO'S AND GABRIELLA POPO'S
 RESPONSE TO PLAINTIFF'S
 MOTION FOR ORDER
 PROHIBITING DEFENDANTS FROM
 (1)INTIMIDATING WITNESSES AND
 (2) THREATENING COUNSEL**

The Hon. Neil V. Wake

v.

AMY PATTERSON, PETER K.
STROJNIK and THE STROJNIK FIRM
L.L.C., an Arizona limited liability
company,

Counterdefendants.

Defendants Two Fingers, LLC, Four Fingers, LLC, Six Fingers, LLC and Joseph M. Popo (collectively, "Defendants"), by and through undersigned counsel, hereby Respond to Plaintiff's Motion for Order Prohibiting Defendants From: (1) Intimidating Witnesses; and (2) Threatening Counsel ("Plaintiff's Motion" or "Document 30"). Plaintiff's Motion is a calculated effort to distract the Court's attention from Defendants' allegations of impropriety with the hope of obtaining authority to reopen the defamatory website and participate in *ex parte* communications with both current and former employees. Plaintiff's brazen request for authority in light of the prior instances of impropriety underscore the lack of deterrent effect and necessity for continued restrictions.

As detailed herein, Plaintiff's request for *ex parte* communications is overbroad, encompassing categories of current and former employees prohibited by Arizona Ethical Rule 4.2. Defendants respectfully request that Plaintiffs be prohibited from engaging in *ex parte* communications with current and former employees with managerial responsibilities. For other categories of employees, Defendants respectfully request that Plaintiff's counsel be required to provide a "mini miranda" warning at the outset of any interview. Such an approach balances Ethical Rule 4.2 with the real concerns of impropriety due to prior contacts with Defendants' general manager. Defendants' Response is supported by the entire Court record and the following memorandum of points and authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL BACKGROUND.

As detailed in Defendants' Motion to Disqualify Peter K. Strojnik and The Strojnik Firm, LLC (collectively "Strojnik") and incorporated as if fully set forth herein, Strojnik embarked in a malicious pre-litigation process designed to harass Defendants through the

1 threat of criminal prosecution, reporting to governmental agencies, targeted harassment at
 2 Defendants' business locations, interference with Defendants' lease, targeting of employees,
 3 posting of defamatory statements likening Joseph Popo to a sexual predator, and conducting a
 4 smear campaign designed to "destroy these restaurants. See Document 11. Plaintiff's counsel
 5 used a variety of mediums to facilitate these objectives, including but not limited to, the
 6 creation of a website, dispersal of pamphlets, email correspondence with Defendants'
 7 property manager, and postings on websites such as Facebook, LinkedIn, and the Dirty.

8 Following Defendants' reporting of such conduct to the Arizona State Bar and this
 9 Court, Strojnik voluntarily withdrew as counsel, with his father seeking to be substituted as
 10 counsel of record. While Strojnik's voluntary withdrawal as counsel of record may have
 11 rendered Defendants' Motion to Disqualify moot, the factual background and prior instances
 12 of impropriety require that sanctions and limitations on speech be imposed to ensure that
 13 substituted counsel, an individual related to Strojnik and sharing the same office space, does
 14 not utilize similar efforts to prejudice the litigation process. Additionally, substituted
 15 counsel's affirmation of the requested contact with both former and current employees
 16 establishes a basic misunderstanding of the ethical boundaries, necessitating that the Court
 17 avoid providing Plaintiff and/or Plaintiff's counsel discretion in determining what speech or
 18 contact may be permitted by the ethical rules. *See Affirmation from Substituted Counsel*,
 19 attached hereto as Exhibit "A."

20 **II. THE COURT MAY CONSTITUTIONALLY LIMIT SPEECH BEYOND THE** 21 **CATEGORIES ENUMERATED IN ARIZONA ETHICAL RULE 3.6.**

22 The First Amendment's right of freedom of speech is not absolute, and courts must
 23 consider the "special characteristics of the ... environment" in which the speech is uttered.
 24 *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 506, 89 S.Ct.
 25 733 (1969). In the context of attorney commercial speech, Courts have applied a balancing
 26 test that weighs the State's interest in the regulation of a specialized profession in the kind of
 27 speech that was at issue. *See Bates v. State Bar of Arizona*, 433 U.S. 350, 97 S.Ct. 2691
 28 (1977); *Peel v. Attorney Registration and Disciplinary Comm'n of Ill.*, 496 U.S. 110 S.Ct.

2281 (1990); *Ohralik v. Ohio State Bar Assn.*, 436 U.S. 447, 98 S.Ct. 1912 (1978); and
Seattle Times Co. v. Rhinehart, 467 U.S. 20, 104 S.Ct. 2199 (1984). State and Federal courts
have a substantial interest in assuring every person the right to a fair trial, a right which the
Supreme Court has described as "the most fundamental of all freedoms." *Estes v. Texas*, 381
U.S. 532, 540, 85 S.Ct. 1628 (1965). Courts have similarly recognized that this right can be
impaired by lawyers' unrestrained, prejudicial comments pending trial. *See Irvin v. Dowd*,
366 U.S. 717, 81 S.Ct. 1639 (1961). Recognizing these "substantial governmental interests
unrelated to the suppression of expression," it is unsurprising that Courts have rendered
restrictions on attorney speech constitutional in the litigation context. *See Gentile v. State*
Bar of Nevada, 501 U.S. 1030 (1991).

In *Gentile*, the United States Supreme Court recognized that whatever right to "free
speech" an attorney has is extremely limited and that "on several occasions [we have]
approved restriction on the communication of trial participants where necessary to ensure a
fair trial." *Id.*, 501 U.S. at 1070-1074. In evaluating Nevada Ethical Rule 3.6, the Supreme
Court held that the state regulation was narrowly tailored to meet the State's legitimate
interests in regulating attorney speech. *Id.*, at 501 U.S. at 1075-1076. Implicitly recognizing
that a significant portion of Strojnik's out of court statements violated Arizona Ethical Rule
3.6, which mirrors the Nevada and Model Ethical Rule 3.6, Plaintiff seeks authority to
republish the website deleting statements undisputedly in violation of Rule 3.6.

While the Supreme Court's decision in *Gentile* made clear that Ethical Rule 3.6 was a
constitutional restraint upon speech, speech otherwise permitted by Ethical Rule 3.6 may still
be restrained if narrowly tailored to achieve the objective of a fair trial. As the Supreme
Court has aptly stated,

"we must remember that reversals are but palliatives; the cure lies in those
remedial measures that will prevent the prejudice at its inception. The courts
must take such steps by rule and regulation that will protect their processes from
prejudicial outside interferences." *See Sheppard v. Maxwell*, 384 U.S. 333, 86
S.Ct. 1507 (1966).

Given counsel's prior abuses and clear motivation to utilize extrajudicial statements as
a tool for harassment, prohibiting the maintenance of an internet website is narrowly tailored

1 to ensure Defendants are afforded a fair trial. While the Court may take palliative measures,
 2 such as ensuring that all members of the jury have not visited the website, prejudice is not
 3 eliminated as the primary targets of the website are Defendants' customers and employees¹.
 4 With respect to Defendants' employees, such extrajudicial statements have the significant risk
 5 of poisoning potential witnesses by exposing them to information that has a high probability
 6 of being inadmissible at trial (e.g., hearsay allegations of prior settlements). Similarly,
 7 customers are unlikely to have information relevant to the case at issue, underscoring the bad
 8 faith intent in targeting this subpopulation.

9 Even if the Court were to find that a ruling prohibiting the creation of a website is not
 10 a narrowly tailored method to avoid prejudice and abuse, the Court has the inherent power to
 11 impose sanctions to oversee attorneys practicing before it. *See Thomas v. Tenneco Packaging*
 12 *Corp.*, 293 F.3d 1306, 1308 (11th Cir. 2002) (upholding a district court's decision to sanction
 13 an attorney who submitted documents containing personal attacks on opposing counsel); *In re*
 14 *Prewitt*, 84 Fed.Appx. 397 (2003) (sanction banning attorney from third floor of courthouse
 15 did not violate attorney's First Amendment right). Consequently, the prior instances of
 16 misconduct relative to the use of the internet justifies a continued prohibition upon use of the
 17 same medium in the future.

18 **III. COUNSEL HAS NOT DEMONSTRATED THAT THE WEBSITE RESULTED** 19 **IN THE IDENTIFICATION OF ANY CREDIBLE WITNESSES.**

20 Notwithstanding clear evidence that the website was specifically designed to compel
 21 settlement², counsel contends that republishing of the website is necessary since it resulted in
 22 witnesses coming forward and new witnesses have not been identified since discontinuation
 23 of the website. See Doc. 30, page 10. First and foremost, Plaintiff would be able to identify
 24

25 ¹ As evidenced by the fliers referencing the prior website being distributed to both the
 26 customer and employee parking lots.

27 ² Plaintiff voluntarily removed the website during both prior attempts to negotiate a
 28 settlement only to immediately republish or seek to republish upon the termination of
 discussions.

1 anyone that may have seen the alleged harassment since she presumably would be aware of
 2 those present. Secondly, counsel's argument that the website is necessary to identify
 3 unknown prior employees is illogical as simply initiating a website is unlikely to draw the
 4 attention of former employees unfamiliar with the pending litigation. Such a website is
 5 primarily designed to target current employees and customers, or serve as a method for
 6 harassment. Perhaps most importantly, counsel's motion identifies only Gena Meier as
 7 initiating contact with counsel as a direct result of the website's existence. See Doc. 30, page
 8 11, lines 4-6.

9 Despite Gena Meier claiming to be a former employee, Defendants have no record or
 10 knowledge of Gena Meier having ever being employed. See *Affidavit of Joseph M. Popo*,
 11 attached hereto as Exhibit "B." In July of 2014, Gabriella Popo received Facebook messages
 12 from an individual identifying herself as Gena Mayor (different spelling) alleging that Joseph
 13 Popo was having an affair. Gena Mayor's email alleges the following:

14 "Just thought you should know that my friend Amanda has been fucking your
 15 husband for a couple of years now...she [Amanda] has screwed me over for the
 16 last time and even though I've kept my mouth shut all along, I figured it was
 17 time to tell you. She is a conniving lying whore and she's hated by most who
 18 know her! Good Luck!!!" See *Facebook Messages*, attached hereto as Exhibit
 19 "C."

20 The vitriolic and vengeful nature of the email, combined with Joseph Popo and
 21 Amanda lack of knowledge as to her identity, intimates that the name "Gena Meier" or "Gena
 22 Mayor," depending upon the source, is simply a pseudonym for an unidentifiable individual
 23 with an axe to grind. The identification of unknown individual(s) seeking to obtain revenge
 24 against "Amanda" is not the type of credible evidence the Court should consider in favor of
 25 reinitiating a website previously used for improper purposes. Similarly, the claims of having
 26 to protect the public are unsupported as Plaintiff's counsel does not provide any witnesses to
 27 support such an accusation, but relies entirely upon hearsay allegations communicated to
 28 counsel. Plaintiff should not be permitted to rely upon uncorroborated hearsay to support
 modification of a narrowly tailored restriction on speech to prevent prejudice to the litigation
 process.

1 **IV. NO WITNESS INTIMIDATION HAS OCCURRED.**

2 Plaintiff contention is essentially that republishing of the website is necessary to even
3 playing field as a result of Defendants' alleged intimidation of witnesses. See Document 30.
4 Plaintiff's counsel relies upon a text message from Scott Campillo to Amy Patterson, wherein
5 he attempts to explain why he does not want to become involved in this lawsuit. Contrary to
6 Plaintiff's allegations, Mr. Campillo had not communicated with Defendants' counsel prior to
7 sending the text message, has never witnessed any incidents of harassment, and has not felt
8 intimidated against becoming a witness. *See Affidavit from Scott Campillo*, attached hereto as
9 Exhibit "D." Indeed, had Mr. Campillo known that Plaintiff's counsel would attempt to
10 misconstrue his text message, he would never have sent it, as he does not support Plaintiff's
11 position, nor the tactics undertaken by Plaintiff's counsel. See Exhibit "D."

12 Similarly, Plaintiff's counsel's allegations that Defendants have intimidated Sheena
13 Gamache are unsupported. Ms. Gamache has not witnessed any of the acts alleged by Ms.
14 Patterson, does not feel intimidated, and does not feel she has anything to offer as a witness in
15 the lawsuit. *See Affidavit from Sheena Gamache*, attached hereto as Exhibit "E." Ms.
16 Gamache explains that the text message was in response to numerous unsolicited
17 communications from Amy Patterson and her counsel seeking her assistance in the lawsuits.
18 See Exhibit "E."

19 Consequently, the purported text message was merely the attempt of two individuals to
20 avoid being coerced into participating in a lawsuit they believe is improper and which they
21 have no relevant information to provide. Misconstruing their effort to let Ms. Patterson down
22 gently should not be utilized as a basis for permitting improper contacts with current
23 employees or relaxing necessary restrictions on extrajudicial statements.

24 **V. COUNSEL HAS NOT INTIMIDATED PLAINTIFF'S COUNSEL.**

25 Plaintiff's counsel's further attempts to minimize the effect of his improper pre-
26 litigation conduct by bringing Defense counsel into disrepute. In support, Plaintiff's counsel
27 contends that Defendants' counsel has threatened multiple bar complaints and sanctions due
28

1 to Plaintiff counsel's contact with current and former employees. See Doc. 30, page 8, lines
 2 1-5. To be certain, Defendants' counsel has never threatened the reporting of Plaintiff's
 3 counsel to the Arizona State Bar. The pre-litigation conduct was reported to the Arizona
 4 State Bar without notice or threat, the matter was screened, and a request for a written
 5 submittal was issued. The correspondence provided to the Court was redacted by Plaintiff's
 6 counsel to cast Defendants' counsel in a false light. The full text of the correspondence
 7 related to the Arizona State Bar complaint was as follows:

8 "In an effort to provide full disclosure, Defendants further advise that multiple
 9 bar complaints have been filed with the Arizona State Bar, the matter has been
 10 screened and the bar has requested additional information in writing. Defendants' counsel have an ethical obligation to participate with such
 11 investigation, and therefore, cannot provide a full confidentiality agreement in
 12 conjunction with any settlement. Defendants' counsel is amenable to a limited
 13 confidentiality agreement prohibiting disclosure of the conduct occurring in this
 14 case outside the context of the Arizona State Bar investigation." See *Exhibit*
 15 "F."

16 Clearly, Defendants' counsel was not threatening reporting to the Arizona State Bar as
 17 the matter had already been reported. Notification of the pending complaint was provided
 18 merely to ensure that any requested confidentiality would have to account for the pending
 19 investigation.

20 Plaintiff's counsel has similarly taken Defendants' notification of their intent to seek
 21 sanctions out of context. Plaintiff's counsel refused to cease their ex parte communications
 22 with current and former employees, and notification was provided that such conduct would
 23 result in a request for sanctions, fees and costs. Sanctions can take a number of forms,
 24 including the dismissal of a lawsuit, disqualification of attorneys, monetary fines, etc. Given
 25 Plaintiff's counsel's unabashed and intentional contact with current and former employees,
 26 Defendants' counsel believes that significant sanctions are warranted in this case to avoid
 27 such conduct in the future. The request for sanctions was not intended to "threaten" or
 28 "intimidate" counsel, but to ensure compliance with Arizona Ethical Rules.

29 **VI. PLAINTIFF'S COUNSEL MUST BE RESTRICTED FROM CONTACTING**
 30 **CURRENT AND FORMER EMPLOYEES EX PARTE.**

31 Plaintiff's counsel's motion seeks authorization from this Court to contact both current

1 and former employees *ex parte*. Pursuant to Arizona Ethical Rule 4.2, a lawyer shall not
 2 communicate about the subject of the representation with a party the lawyer knows to be
 3 represented by another lawyer in the matter, unless the lawyer has the consent of the other
 4 lawyer or is authorized by law to do so. Comment 1 clarifies that the blanket prohibition
 5 does not prohibit communication with a party, or an employee or agent of a party, concerning
 6 matters outside the representation. However, as set forth in Plaintiff's Response to
 7 Defendants' Motion to Strike, **Plaintiff contends that all potential violations of law are**
 8 **encompassed within the scope of this litigation** as they may impact Plaintiff's claims for
 9 punitive damages. See Doc. 23. Plaintiff's counsel cannot seek to introduce evidence of
 10 failures to e-verify, liquor fraud, etc. from his ethical obligation while simultaneously trying
 11 to place these claims at issue. Prior to bringing these claims within the scope of this
 12 litigation, Plaintiff's counsel should have considered that doing so would have prevented him
 13 from communicating with current employees relative to such claims.

14 Where an attorney seeks to communicate with members of an organization, comment
 15 2 establishes that communications by a lawyer concerning the matter in representation with
 16 persons having a managerial responsibility on behalf of the organization, and with any other
 17 person whose act or omission in connection with that matter may be imputed to the
 18 organization for purposes of civil or criminal liability or whose statement may constitute an
 19 admission on the part of the organization. While the *Lang v. Superior Court* decision
 20 provides examples of circumstances in which *ex parte* communications with former
 21 employees are permitted, the Arizona Court of Appeals does not adopt a "per se rule of
 22 permitting *ex parte* contacts simply because the individual is a former employee." *Lang v.*
 23 *Superior Court*, 170 Ariz. 602, 608-09, 826 P.2d 1228, 1234-35 (App. 1992) "Such an
 24 approach does not comply with the requirements of ER 4.2 of prohibiting *ex parte* contacts
 25 with persons whose acts or omissions in connection with the matter may be imputed to the
 26 organization." *Id.* Nor does the *Lang v. Superior Court* decision modify the general
 27 prohibition against communications with current employees.

28 Despite Plaintiff's counsel's attempts to limit the scope of employees whose acts or

1 omissions may be imputed to the organizations so as to expand the pool of potential
2 employees they may communicate with, former employees in managerial positions who may
3 or may not have witnessed discrimination and failed to take action may be imputed to the
4 organizations. Accordingly, Plaintiffs' counsel request for unfettered access to former
5 employees is overbroad and does not comport with the Arizona Ethical Rules. To the extent
6 Plaintiff's Motion seeks authority to contact former employees in managerial positions,
7 Defendants respectfully request that the Motion be denied.

8 With respect to current employees, employees with managerial or whose acts may be
9 imputed to the organization are prohibited by Rule 4.2, comment 2. The scope of employees
10 falling within the purview of this restriction is exceedingly broad. See e.g., *Orlowski v.*
11 *Dominick's Finer Foods, Inc.*, 937 F.Supp. 723, 728 (N.D.Ill.1996) (holding that hiring,
12 scheduling work shifts, and recommending terminations are managerial responsibilities);
13 *Terra Int'l Inc. v. Mississippi Chemical Corp.*, 913 F.Supp. 1306, 1321 (N.D.Iowa) (holding
14 that supervisor of shipping department who oversaw seven employees was "managerial level"
15 employee); *Berryman v. Consolidated Rail Corp.*, Civ. A. No. 94-3668, 1995 WL 517642,
16 (E.D.Pa. Aug. 28, 1995) (finding, in conclusory manner, that plaintiff's foreman had
17 managerial responsibility)); See also *Hill v. St. Louis Univ.*, 123 F.3d 1114, 1121 (8th
18 Cir.1997) (upholding District Court's ruling that chairman of aerospace technology
19 department at college performed managerial duties). To the extent Plaintiffs seek an order
20 permitting contact with current managers, Defendants respectfully request that such contact
21 be prohibited per ER 4.2, comment 2.

22 As set forth in the affidavit of Sheena Gamache, she is currently employed as General
23 Manager of Stone and Vine and was contacted directly by Plaintiff's counsel. See Exhibit
24 "E." Once again, while counsel committing the improper *ex parte* conduct has voluntarily
25 withdrawn, mooted a request for disqualification, his father, sharing an office space, has
26 substituted in his place. Consequently, either a blanket prohibition should be instituted to
27 avoid impropriety or reasonable restrictions should be included to ensure counsel does not
28 stray into prohibited areas. In *Brown v. State of Or., Dep't of Corr.*, 173 F.R.D. 265, 267 (D.

1 Or. 1997) the United States District Court required the following information be provided to
 2 each current and former employee at the outset of any contact, and if that person declined to
 3 be interviewed, the contact was required to end:

- 4 1) counsel's representative capacity;
 - 5 2) counsel's reason for seeking the interview;
 - 6 3) the right of current and former employees to refuse to be interviewed; and
 - 7 4) the right of the current or former employees to have his or her counsel present
- 8 during the *ex parte* contact.

9 We believe these "mini miranda" warnings to be a reasonable restriction in light of
 10 the prior evidence of improper contacts and respectfully request that any order incorporate
 11 such restrictions.

12 **VII. CONCLUSION**

13 As set forth herein, Defendants respectfully request that the status quo be maintained
 14 relative to extrajudicial statements to the public at large and that Plaintiff be prohibited from
 15 republishing the website. With respect to *ex parte* communications with witnesses,
 16 Defendants are amenable to current and former employees lacking managerial authority being
 17 interviewed by Plaintiff's counsel, so long as Plaintiff's counsel provides "mini miranda"
 18 warnings at the outset of such communications. As for current and former employees with
 19 managerial authority, per Arizona Ethical Rule 4.2, such communications are prohibited and
 20 Defendants respectfully request that Plaintiff's request for authority to initiate *ex parte*
 21 communications be denied.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 RESPECTFULLY SUBMITTED this 11th day of May, 2015.

2
3 HYMSON GOLDSTEIN & PANTILIAT, PLLC
4

5 By: /s/ Eddie A. Pantiliat (with permission)

6 EDDIE A. PANTILIAT

7 *Attorneys for Defendants Two Fingers, LLC*
8 *dba Stone and Vine Urban Italian Restaurant,*
9 *Four Fingers, LLC dba Salt & Lime Modern*
Mexican Grill, Six Fingers, LLC dba Black &
Bleu Restaurant, and Joseph M. Popo and
Gabriella Popo

10 WOOD, SMITH, HENNING & BERMAN LLP
11

12 By: /s/ Jason R. Mullis

13 JASON R. MULLIS

14 *Attorneys for Defendants Two Fingers, LLC*
15 *dba Stone and Vine Urban Italian Restaurant,*
16 *Four Fingers, LLC dba Salt & Lime Modern*
17 *Mexican Grill, Six Fingers, LLC dba Black &*
Bleu Restaurant, and Joseph M. Popo and
Gabriella Popo

18 CERTIFICATE OF SERVICE

19 I hereby certify that on the 11th day of May, 2015, the foregoing document entitled,
20 **DEFENDANTS TWO FINGERS, LLC, FOUR FINGERS, LLC, SIX FINGERS, LLC,**
21 **AND JOSEPH M. POPO AND GABRIELLA POPO'S RESPONSE TO PLAINTIFF'S**
22 **MOTION FOR ORDER PROHIBITING DEFENDANTS FROM (1) INTIMIDATING**
23 **WITNESSES AND (2) THREATENING COUNSEL** was e-filed and served via electronic
24 service through the United States District Court for the District of Arizona's ECF System and
25 to the following ECF registrants:

26 ///

27 ///

28 ///

1 Peter Strojnik
STROJNIK, P.C.
2 Esplanade Center III
2415 East Camelback Road, Suite 700
3 Phoenix, AZ 85016

4 Eddie A. Pantiliat
HYMSON GOLDSTEIN & PANTILIAT, PLLC
5 16427 N. Scottsdale Road, Suite 300
6 Scottsdale, Arizona 85254

7 
8 Becki Villarreal

WOOD, SMITH, HENNING & BERMAN LLP
Attorneys at Law
2525 E. CAMELBACK ROAD, SUITE 450
PHOENIX, ARIZONA 85016-4210
TELEPHONE 602-441-1300 • FAX 602-441-1350